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SUBJECT: GHANA -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: A. (A) STATE 59732
[B. \(B\)](#) STATE 005577

11. This is an action cable; see paras 5 through 7 and 10.

12. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

13. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Ghana of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Ghana, and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/not precede the Secretary's release at 10:00 am EDT on June 16.

14. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

15. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Ghana of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

16. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Ghana's country narrative in the 2009 TIP Report:

Ghana (TIER 2 Watch List)

Ghana is a source, transit, and destination country for children and women trafficked for the purposes of forced labor and commercial sexual exploitation. Trafficking within the country is more prevalent than transnational trafficking and the majority of victims are children. Both boys and girls are trafficked within Ghana for forced labor in agriculture and the fishing industry, for street hawking, forced begging by religious instructors, as porters, and possibly for forced kente weaving. Over 30,000 children are believed to be working as porters, or Kayaye, in Accra alone.

Annually, the IOM reports numerous deaths of boys trafficked for hazardous forced labor in the Lake Volta fishing industry. Girls are trafficked within the country for domestic servitude and sexual exploitation. To a lesser extent, boys are also trafficked internally for sexual exploitation, primarily for sex tourism.

Transnationally, children are trafficked between Ghana and other West African countries, primarily Cote d'Ivoire, Togo, Nigeria, Ghana, Burkina Faso, and Gabon for the same purposes listed above. Children are trafficked through Ghana for forced labor in agriculture in Cote d'Ivoire, including on cocoa farms. Women and girls are trafficked for sexual exploitation from Ghana to Western Europe, from Nigeria through Ghana to Western Europe, and from Burkina Faso through Ghana to Cote d'Ivoire. During the year, Chinese women were trafficked to Ghana for sexual exploitation and a Ghanaian woman was also trafficked to Kuwait for forced labor. In 2008, the UN reported that a form of ritual servitude called Trokosi, in which young girls are subjected to forced labor and sexual servitude, continues in at least 23 fetish shrines.

The Government of Ghana does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, despite limited resources. During the year, Ghanaian police intercepted a greater number of trafficking victims than the prior year. Despite these efforts, the government demonstrated weak efforts in prosecuting and punishing trafficking offenders or ensuring that victims receive adequate care; therefore, Ghana is placed on Tier 2 Watch List.

Recommendations for Ghana: Increase efforts to prosecute and convict trafficking offenders, including those who subject children to forced labor in the Lake Volta fishing industry and those who force Ghanaian children and foreign women into prostitution; establish additional victim shelters, particularly for sex trafficking victims; continue to apply Trafficking Victim Fund monies to victim care; and train officials to identify trafficking victims among women in prostitution and to respect victims' rights.

Prosecution

The Government of Ghana demonstrated minimal efforts to combat trafficking through law enforcement efforts during the

last year. Ghana prohibits all forms of trafficking through its 2005 Human Trafficking Act, which prescribes a minimum penalty of five years, imprisonment for all forms of trafficking. This penalty is sufficiently stringent and commensurate with penalties prescribed for rape. The government reported arresting 16 suspected traffickers during the year, five of whom were prosecuted. In March 2009, the government obtained the conviction of a woman for trafficking a Togolese girl for forced labor, and she was sentenced to eight years, imprisonment. Eleven suspected traffickers remain under investigation. There were no reported criminal investigations or prosecutions of acts relating to the forced labor of children in the Lake Volta fishing industry.

Although four Chinese nationals arrested in February 2009 were prosecuted for trafficking seven Chinese women to Accra for sexual exploitation, a verdict has not yet been delivered. A religious instructor arrested in July 2008 for subjecting 15 children to forced labor and one child to sexual servitude has not yet been prosecuted. Rather than being charged with the offense of trafficking, he was charged under the more lenient Children's Act and remains free on bail. During the year, the public prosecutor dropped a case against suspected traffickers arrested in November 2007 for forcing 17 women into prostitution, despite significant evidence against them, such as video recordings of them bribing immigration officials. The case was dropped when the victims, all of whom have returned to Nigeria, would not agree to testify. The government also failed to prosecute traffickers arrested in January 2008 for sexual exploitation of children, despite videotaped evidence of this exploitation at an Accra brothel, which remains open for business. In 2008 the Public Prosecutor's Office opened an anti-trafficking desk staffed with three prosecutors trained about trafficking.

Protection

The Ghanaian government demonstrated increased efforts to identify trafficking victims, but took inadequate steps to provide them with care during the year. The government contributed personnel to its Madina shelter, which is funded primarily by IOM to provide care to child victims of trafficking in the fishing industry. At the shelter, staff from the Department of Social Welfare (DSW) provided rehabilitation assistance to child victims rescued and referred by IOM. DSW staff provided rehabilitation assistance to victims in their communities of origin as well once the children were reunited with their families. The government continued to lack shelters for sex trafficking victims. Police rescued 221 child labor trafficking victims, and seven adult Chinese women forced into prostitution. The government was unable to provide comprehensive information about how many of these victims it provided with care. Fifteen child victims were provided with care in a DSW shelter in northern Ghana by a government-salaried social worker, while an NGO and private donor provided food, clothing, and education for the children. The government returned three of the child victims to the suspected trafficker, who remains out on bail. Two of the victims were repatriated to Togo by an NGO, while the remaining victims were returned to their families in Ghana. The government released ten girl victims of forced child labor identified in August 2008 into the custody of a man claiming to be from the children's village. He housed them at a bus station until NGOs requested that the government move them to an NGO shelter. In December 2008, the government allocated \$75,000 to the Human Trafficking Fund it established in 2007 to provide victim care. In April 2009, the government provided a portion of these funds to a local NGO to help care for sex trafficking victims the NGO has sheltered at a hotel since their rescue in February 2009. Police provided limited security at the hotel.

While authorities increasingly employ procedures to identify forced labor trafficking victims among immigrants at border posts, they do not follow procedures to identify trafficking victims among females found in prostitution. The government encouraged victims to assist in investigation and prosecution of traffickers, though many victims were children afraid to

provide testimony. During the year, police interviewed seven Chinese sex trafficking victims to assist with prosecution. During the trial, however, officials forced these women to testify in court against their will, causing them emotional trauma. The government provided limited and temporary legal alternatives to the removal of foreign victims to countries where they face hardship or retribution; generally victims may remain in Ghana only during the period of investigation and prosecution. With the Interior Minister's approval, however, a trafficking victim may remain permanently in Ghana if it is deemed to be in the victim's best interest.

Prevention

The Government of Ghana demonstrated weak efforts to prevent trafficking over the last year. The government conducted anti-trafficking information and education campaigns during the reporting period. Counter-trafficking officials appeared regularly with anti-trafficking messages on radio talk shows and on television. The police held anti-trafficking public awareness meetings in areas of the country with a high incidence of trafficking and provided anti-trafficking educational materials to rural officials and local magistrates. The government also reached out to Nigerian officials through video conferences to request guidance in forming a national anti-trafficking agency. In June 2008, in collaboration with private cocoa companies, the government released a report on the incidence of child labor and adult forced labor in its cocoa sector. The Human Trafficking Board established in July 2007 met eight times in 2008. The government provided Ghanaian troops with anti-trafficking awareness training through a donor-funded program before being deployed abroad as part of international peacekeeping missions. Ghana took minimal measures to reduce demand for commercial sex acts by conducting a raid on a brothel exploiting trafficking victims, and prosecuting the suspected traffickers. The government failed to close down a brothel prostituting children, however. It took no discernable steps to address the demand for forced labor. Ghana has not ratified the 2000 UN TIP Protocol.

¶9. Post may wish to deliver the following points, which offer technical and legal 1 background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards,

but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 13. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this

information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or though the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why has Ghana been downgraded to Tier 2 Watch List?

A: The Government of Ghana does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, despite limited resources. During the year, Ghanaian police intercepted a greater number of trafficking victims than the prior year. Despite these efforts, the government demonstrated weak efforts in prosecuting and punishing trafficking offenders or ensuring that victims receive adequate care; therefore, Ghana is placed on Tier 2 Watch List.

Q2: What progress has Ghana made in the last year?

A: The government reported arresting 16 suspected traffickers during the year, five of whom were prosecuted. In March 2009, the government convicted a woman for trafficking a Togolese girl for forced labor and imposed a sentence of eight years, imprisonment. The Department of Social Welfare (DSW) provided rehabilitation assistance to child victims rescued by the IOM from forced labor in the fishing industry. DSW staff provided rehabilitation assistance to victims in their communities of origin as well once the children are reunited with their families. The government continued to lack shelters for sex trafficking victims. Police rescued 221 child labor trafficking victims, and seven adult Chinese women forced into prostitution. During the year, the government conducted anti-trafficking information and education campaigns. In June 2008, in collaboration with private cocoa companies, the government released a report on the incidence of child labor in its cocoa sector.

Q3: What can Ghana do to further the fight against trafficking in persons?

A: Increase efforts to prosecute and convict trafficking offenders, including those who subject children to forced labor in the Lake Volta fishing industry and those who force Ghanaian children and foreign women into prostitution; establish additional victim shelters, particularly for sex trafficking victims; continue to apply Trafficking Victim Fund monies to victim care, and train officials to identify trafficking victims among women in prostitution and to respect victims' rights.

¶12. The Department appreciates posts, assistance with the preceding action requests.

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